

REMARKS

At the outset, the Applicants thank the Examiner for the thorough review and consideration of the pending application, and for his time during the phone interview conducted on December 3, 2007. The Advisory Office Action dated November 29, 2007 has been received and its contents carefully reviewed. Claims 1-6 are currently pending. Reexamination and reconsideration of the pending claims are respectfully requested.

In response the above noted Advisory Action and subsequent phone interview, Applicant submits herewith a statement of common ownership. Applicant notes that the Office has rejected claims 1-8 under 35 U.S.C. §103(a) as being unpatentable over *Spendel* and *Minayoshi* in view of at least, US Patent 7,021,088 to Hong et al. (hereinafter *Hong*), and US Patent 6,722,165 to Woo et al. (hereinafter *Woo*). Applicant respectfully traverses these rejections. Claims 7 and 8 have been cancelled, and the rejection thereto is thus moot.

MPEP 706.02(1)(2)II states, “Applications and references (whether patents, patent applications, patent application publications, etc.) will be considered by the examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.”

First regarding *Hong*, it is noted that this reference is commonly owned, with the present application, by LG Electronics Inc. Assignment for the present application was recorded at reel/frame 015256/0307 and assignment for *Hong* reference was recorded at reel/frame 013328/0624. Therefore, under 35 U.S.C. §103(c), *Hong* cannot be applied as prior art under 35 U.S.C. §103(a) against claims 1-6, because *Hong* qualifies as prior art only under 35 U.S.C. §102(e), and the subject matter of *Hong* and the claimed invention of this application were at the time the claimed invention was made, owned by the same person, or subject to an obligation of assignment to the same person.

Similarly regarding *Woo*, it is noted that this reference is commonly owned, with the present application, by LG Electronics Inc. Assignment for the present application was recorded at reel/frame 015256/0307 and assignment for *Woo* reference was recorded at

reel/frame 012746/0208. Therefore, under 35 U.S.C. §103(c), *Woo* cannot be applied as prior art under 35 U.S.C. §103(a) against claims 1-6, because *Woo* qualifies as prior art only under 35 U.S.C. §102(e), and the subject matter of *Woo* and the claimed invention of this application were at the time the claimed invention was made, owned by the same person, or subject to an obligation of assignment to the same person.

Accordingly, Applicants respectfully submit that Office has failed to establish a *prima facie* case of obviousness and claims 1 and 4 are patentably distinguishable over *Spendel* in view of *Hong* or *Woo*. Claims 2, 3, 5 and 6, which depend either directly or indirectly from claims 1 and 4 are also patentably distinguishable for at least the same reasons as discussed above. Accordingly, Applicants respectfully request that the Office withdraw the 35 U.S.C. § 103(a) rejection of claims 1-6.

The application is in condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

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Respectfully submitted,

By _____

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